SINGLE BENCH (4)

CF 1002 (1)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH

AT BILASPUR

W.P.S No. 1165 /2006 (S.B.)

PETITIONER : Gyaneshvar Prasad Upadhyay S/o Shri S.P. Upadhyay, aged about 39 years, R/o Bandhvapara Bilaspur (C.G.)

P.R. No. 463/07
Presented by Shri Ayyamrish Tiwari
dated 29/1/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh , Through Secretary , Education Department , D.K.S. Bhawan Raipur (C.G.)
2. Director of public Instruction , Pensionbada Raipur (C.G.)

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WRIT PETITION UNDER ARTICLE 226OF THE COUNSTITUTION OF INDIA

(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 1165 of 2007

Petitioner : Gyaneshvar Prasad Upadhyay

Versus

Respondents : State of Chhattisgarh & another

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Mr. Kumaresh Tiwari, Advocate for the petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the State/respondents.

ORDER

(Passed on this 28th Day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Assistant Teacher. The petitioner obtained B. Ed. Examination certificate on 20.12.1996, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B. Ed. Examination Certificate on his own expenses is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own

expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B. Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash